

Objection to the substitute specification

The substitute specification has been objected to under 35 U.S.C. §132 because it has introduced new matter into the disclosure.

Specifically, the Examiner objected to the substitute specification since:

(1) Production Examples 5 and 6 do not correspond to Examples 1 and 4, respectively of the translation for paragraph 41 of Japanese priority application No. 2000-075653 because of the different amount of styrene, n-butyl methacrylate, i-butyl methacrylate, 2-ethylhexyl acrylate and glycidyl methacrylate in the polymerization of the vinyl resin;

(2) Example 5 on page 29 of the specification corresponds to Example 1 of the translation for paragraph 42 of Japanese priority application No. 2000-075653 except for the use of 1.0% by weight of lead naphthanate in Example 5 (page 29, line 5 of the substitute specification) vs. 0.1% by weight in Example 1 [of Japanese priority application No. 2000-075653]. Likewise, Examples 6 through 12 and Comparative Examples 2 and 3 in Table 2 (page 30) have been objected to because the quantity of lead naphthenate do not correspond to the same of Examples 2 through 8 and Comparative Examples 1 and 3 in Japanese priority application No. 2000-075653;

(3) Example 10 in Table 2 has been further objected to because of inconsistency of the amount of Urethane-modified vinyl resin with the Example 6 of Japanese priority application No. 2000-075653; and

(4) Comparative Example 3 in Table 2 also has been further objected to because B-1 is not used in the Comparative Example 3 of Japanese priority application No. 2000-075653.

Production Examples 5 and 6

The inconsistency between the substitute specification and the translation is based on the incorrect translation of the Japanese priority application No. 2000-

075653. Original text of paragraph 【0041】 (first two sentences) of the Japanese priority application No. 2000-075653 in Japanese and its corrected translation is attached hereto as Appendix II in the marked-up form.

In the original text of paragraph 【0041】 of the Japanese priority application No. 2000-075653, the amount of styrene, n-butyl methacrylate, i-butyl methacrylate, 2-ethylhexyl acrylate, glycidyl methacrylate and 2,2'-azobisisobutyronitrile of the Production Examples 5 and 6 are described as 25 parts, 14 parts, 16 parts, 18 parts and 1 part, rather than 20 parts, 25 parts, 10 parts, 25 parts, 20 parts and 1 part respectively. Thus, the Production Examples 5 and 6 are supported by the description of Japanese priority Application No. 2000-075653.

The formula of FANCERYL FA-512MT is inserted by the foregoing Amendment as suggested by the Examiner.

Amount of Lead Naphthenate of Examples 5-12 and Comparative Examples 2 and 3

The inconsistency between the substitute specification and the translation is based on the incorrect translation of the Japanese priority application No. 2000-075653. Original text of paragraphs 【0042】 and 【0047】 of the Japanese priority application No. 2000-075653 in Japanese and their corrected translation is attached hereto as Appendix III in the marked-up form.

In the original text of paragraphs 【0042】 and 【0047】 of the Japanese priority application No. 2000-075653, the amount of lead naphthenate is described as 1.0 % by weight, rather than 0.1 % by weight. Thus, the amount of lead naphthenate of Examples 5-12 and Comparative Examples 2 and 3 is supported by the description of Japanese priority Application No. 2000-075653.

Example 10 in Table 2

The amount of urethane -modified vinyl resin of Example 10 has been amended to 70% by weight by the foregoing amendment. Thus, the amount of

urethane –modified vinyl resin of Example 10 is supported by the description of Japanese priority Application No. 2000-075653 and its translation.

Comparative Example 3 in Table 2

The polymer dispersion of Comparative Example 3 in Table 2 has been corrected from “B-1” to --B-3-- by the foregoing Amendment. Thus, the polymer dispersion of Comparative Example 3 in Table 2 (Production Example 11 on page 24, line 19 through page 25, line 3) is supported by the description of Japanese priority Application No. 2000-07565 (particularly, Example 3 on paragraphs 【0045】 and 【0046】).

The certification of the translation is attached hereto as Appendix IV. For the reasons set forth above, withdrawal of these objections is respectfully requested.

An early and favorable action on the material is respectfully requested. Should there be any questions regarding the Application, the Examiner is invited to contact the undersigned representative at the local telephone number below.

Respectfully submitted,

Date: March 13, 2003



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<p>Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.</p>
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Appendix I

In accordance with 37 CFR 1.121(b)(1)(iii), the amended Table 2, beginning at page 30, line 1, is set forth in a marked-up version below:

Table 2

		Example								Comparative Example	
		5	6	7	8	9	10	11	12	2	3
Urethane-modified vinyl resin	Kind	A-5	A-5	A-5	A-6	A-5	A-5	A-7	A-8	A-9	
	Amount	50	50	50	50	50	[50]70	50	50	50	
Polymer dispersion	Kind	B-1	B-2	B-3	B-1	B-1	B-1	B-1	B-1	B-1	B-[1]3
	Amount	50	50	50	50	50	30	50	50	50	100
Cobalt naphthenate		0.3	0.3	0.3	0.3		0.3	0.3	0.3	0.3	0.3
Lead naphthenate		1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Manganese naphthenate						0.3					
Mineral spirit		20	20	20	20	20	20	20	20	20	20
JR603		40	40	40	40	40	40	40	40	40	40
Disparton 6900-10[X]		2	2	2	2	2	2	2	2	2	2
BYK-066		0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8

Appendix II

Paragraph 【0041】 (first two sentences) of the Japanese priority application No.

2000-075653:

【0041】 (2) ウレタン変性ビニル樹脂溶液の製造

フラスコ中にミネラルスピリット100部を仕込み、窒素ガスを通気しながら、115℃まで攪拌を行ないながら昇温した。次いで、温度を115℃に保ちながら

スチレン	<u>25</u> 部
メタクリル酸 n-ブチル	<u>14</u> 部
メタクリル酸 i-ブチル	<u>16</u> 部
アクリル酸 2-エチルヘキシル	<u>18</u> 部
メタクリル酸グリシジル	<u>27</u> 部
2, 2'-アゾビスイソブチロニトリル	<u>1</u> 部

の混合物を4時間で滴下した。(Emphasis added.)

Translation of paragraph 【0041】 of the Japanese priority application No. 2000-075653:

【0041】 (2) Preparing urethane modified vinyl resin solution

Into a flask was charged 100 parts of mineral spirit, followed by the elevation of temperature to 115°C under stirring with introducing nitrogen gas. Then, the below-described mixture of monomers and other compound were added dropwise thereto over a period of 4 hours with maintaining the temperature at 115°C.

styrene	[20] <u>25</u> parts
n-butyl methacrylate	[25] <u>14</u> parts
i-butyl methacrylate	[10] <u>16</u> parts
2-ethylhexyl acrylate	[25] <u>18</u> parts
glycidyl methacrylate	[20] <u>27</u> parts
2,2'-azobisisobutyronitrile	1 part

Appendix III

Paragraph 【0042】 of the Japanese priority application No. 2000-075653 is as follows:

【0042】 (3) 塗料組成物の調整

上記工程 (1) で得られた重合体分散液及び工程 (2) で得られたウレタン変性ビニル樹脂溶液を、樹脂固形分重量比が 50 / 50 となるように混合し、これらの合計樹脂固形分に対して硬化触媒としてナフテン酸コバルトを 0.3 重量% 及びナフテン酸鉛を 1.0 重量% となるように添加した後、均一になるまで攪拌を行ない、さらに該混合樹脂溶液 100 重量部に対して、攪拌しながらミネラルスピリット 20 部、「JR603」(テイカ社製、チタン白) 40 部、「ディスパロン 6900-10」(楠本化成社製、タレ止め剤) 2 部及び「BYK-066」(ビック・ケミー社製、消泡剤) 0.8 部を配合し、サンドミルで分散後、さらにミネラルスピリットにて粘度 75 ~ 90 KU に調整して、塗料組成物を得た。(Emphasis added.)

Translation of paragraph 【0042】 of the Japanese priority application No. 2000-075653 is as follows:

【0042】 (3) Adjusting coating composition

After mixing polymer dispersion liquid obtained according to the process (1) above and urethane modified vinyl resin solution obtained according to the process (2) above in a ratio of 50/50 based on resin solid content weight, 0.3% by weight of cobalt naphthenate based on the total resin solid content and [0.1] 1.0% by weight of lead naphthanate based on the same were added, and the whole was stirred to form a homogeneous mixture. Then, based on 100 parts of the resulting mixed resin solution, 20 parts of mineral spirit, 40 parts of "JR603" (TAYCA Corporation, titanium white), 2 parts of "DISPARLON 6900-10" (manufactured by Kusumoto Chemical Co., Ltd., a sagging inhibitor) and 0.8 part of "BYK-066" (manufactured by BYK-

Chemie Co., a defoaming agent) were mixed. Finally, after dispersing the whole in a sandmill, the viscosity was controlled to 75 to 90 KU with mineral spirit to obtain a coating composition.

Paragraph 【0047】 of the Japanese priority application No. 2000-075653 is as follows:

【0047】 実施例 5

実施例 1 の塗料組成物の調整において、硬化触媒としてナフテン酸マンガンを 0.3 重量% 及びナフテン酸鉛を 1.0 重量% となるように添加する以外は実施例 1 と同様にして、塗料組成物を得た。(Emphasis added.)

Translation of paragraph 【0047】 of the Japanese priority application No. 2000-075653 is as follows:

【0047】 Example 5

A coating composition was obtained in a similar manner to Example 1 with the exception that hardening catalysts of 0.3 % by weight of manganese naphthenate and [0.1] 1.0 % by weight of lead [naphthanate] naphthenate for the adjustment of the coating composition.

Appendix IV

**CERTIFICATION OF THE TRANSLATION
OF APPENDICES II AND III ABOVE**

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Yoichiro Yamaguchi, certify that I am familiar with both the Japanese and English languages, that I have reviewed both paragraphs 【0041】 , 【0042】 【0047】 of the Japanese priority application No. 2000-075653 filed March 17, 2000 in Japanese and the English language translation thereof of Appendices II and III, and that the English translation is a true, faithful and accurate translation of the above identified application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application.

Date: March 13, 2003


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